

**BLAKELY
SOKOLOFF
TAYLOR &
ZAFMAN**

A LIMITED LIABILITY
PARTNERSHIP INCLUDING
LAW CORPORATIONS

1279 OAKMEAD PARKWAY
SUNNYVALE, CALIFORNIA 94085
(408) 720-8300 (Telephone)
(408) 720-8383 (Facsimile)

FILE COPY

FACSIMILE TRANSMITTAL SHEET (TRANSMITTAL TO PTO)

Deliver to: OIPE - Filing Receipt Corrections
Firm Name: U.S. PATENT AND TRADEMARK OFFICE
Fax Number: 703-746-9195 **Telephone No.:** _____
From: Jordan M. Becker
Date: 11/17/2004 **Time:** _____
Operator: Harleen Bains **Matter:** 5693P026
Number of pages including cover sheet: 7
In Re Patent Application of: Nitin Muppalaneni et al.
Application No.: 10/693,513
Filed: October 24, 2003
For: Method and Apparatus For Synchronous Data Mirroring

Enclosed are the following documents:

- ☒ Request for Correction of Filing Receipt (2 pgs.)
- ☒ copy of Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i) (1 pg.)
- ☒ copy of returned stamped postcard dated October 24, 2003 indicating
Nonpublication request was filed (1 pg)
- ☒ copy of filing receipt marked with correction (2 pgs.)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on:

Date of Transmission: November 17, 2004

Harleen Bains
(Typed or printed name of person transmitting paper)


(Signature of person transmitting paper)

CONFIDENTIALITY NOTE

The documents accompanying this facsimile transmission contain information from the law firm of Blakely Sokoloff Taylor & Zafman LLP that is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

IF YOU EXPERIENCE ANY DIFFICULTY IN RECEIVING THE ABOVE PAGES, PLEASE CALL (408) 720-8300 AND ASK FOR THE OPERATOR NAMED ABOVE.

(Rev. 11/23/97)

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Nitin Muppalaneni
Title	Method and Apparatus for Synchronous Data Mirroring
Attorney Docket Number	5693P026

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

10/24/03

Date

CRISTIAN, ROBERT D.

Signature

JMB

Jordan M. Becker, Reg. No. 39,602

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 112(b)(2)(B)(iii)).**

Based on PTO/SB/35 (08-03) as modified by Blakely, Solokoff, Taylor & Zalman (wir) 08/11/2003.
SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

RECEIVED
NOV 03 2003

ENTERED

NOV 04 2003

STATUS DB-LA

BLANKLY, SOKOLOFF, TAYLOR & ZAFMAN LLP
LOS ANGELES

Application No.: Filing Date: Docket #: 005693.P026
Date Mailed: 10/24/2003 Due Date(s): _____
Client: NETWORK APPLIANCE, INC. Atty/Sec: JMB/jaa
Title: Method and Apparatus for Synchronous Data Mirroring

First Named Inventor: Nitin Muppalaneni*The following has been received in the U.S.P.T.O. on the date stamped hereon:*

Application: Utility (28 pages with cover & abstract)
Assignment & Cover Sheet (8 pgs)
Declaration & POA (5 pgs)(signed)
Drawings: 7 sheets, 7 figures
Express Mail No.: EV341063873US
Fee Transmittal (original & copy)
Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)
Transmittal Letter
Application Data Sheet (4 pgs.)
Check No. 60907 in the amount of \$1032.00
Check No. 60908 in the amount of \$40.00
Postcard

22389 U.S. PTO
10/693513
102403

Assignee: Network Appliance, Inc.

Date 1/24/2004 Client: Network Appliance, Inc.
Docket Initials MS 5693.p026
Docket Sup. Initials _____
Atty Initials _____ JMB
Pat/Ser/Reg 693513 19
Description:

month deadline to file prior art disclosure and check related cases
(based on filed US application).

11/4/2003

Michelle Edmund

Date 4/24/2004 Client: Network Appliance, Inc.
Docket Initials MS 5693.p026
Docket Sup. Initials _____
Atty Initials _____ JMB
Pat/Ser/Reg 693513 20
Description:

F/F letter

11/4/2003

Michelle Edmund



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/693,513	10/24/2003	2121	1032	5693P026	7	25	5

CONFIRMATION NO. 2215

08791

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
 LOS ANGELES, CA 90025

FILING RECEIPT

OC000000011760661

ENTERED

FEB 04 2004

Date Mailed: 01/26/2004

STATUS DB-LA

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Nitin Muppalaneni, Santa Clara, CA;
 Abhijeet P. Gole, Campbell, CA;
 Michael L. Federwisch, San Jose, CA;
 Mark Smith, Cupertino, CA;
 Rajesh Sundaram, Mountain View, CA;

RECEIVED

JAN 29 2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
 LOS ANGELES

Assignment For Published Patent Application

Network Appliance, Inc., Sunnyvale, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/23/2004

Projected Publication Date: 04/28/2005

Non-Publication Request: No YES

Early Publication Request: No

BEST AVAILABLE COPY

Title

Method and apparatus for synchronous data mirroring

Preliminary Class

707

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).